



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 73584
28 August 2013

Mr. Rich Jones
c/o MuckRock News
Dept MR 6413
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Jones:

This is an initial response to your Freedom of Information Act (FOIA) request submitted via the Internet on 1 August 2013, which was received by this office on 1 August 2013, for "A detailed list of all invoices, contracts, status reports and account balance statements sent to and received from SAIC (Science Applications International Corporation), headquartered in Tysons Corner, Virginia, since January 2001." Your request has been assigned Case Number 73584. This letter indicates that we have begun to process your request. There is certain information relating to this processing about which the FOIA and applicable Department of Defense (DoD) and NSA/CSS regulations require we inform you.

For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. You must pay for search time in excess of 2 hours and duplication in excess of 100 pages.

There is a two-pronged test a requester must satisfy to qualify for a fee waiver. First, the requested information must be in the public interest. Second, the request must not be primarily in the requester's commercial interest. The following six factors further define the two-pronged waiver test, and a requester must meet the first four factors to qualify under the public interest prong:

1. The subject of the request must concern the "operations and activities of the government."
2. The disclosure of information is "likely to contribute to an understanding of government operations and activities."
3. The disclosure of the requested information will "contribute to public understanding."

4. The disclosure is likely to contribute "significantly" to public understanding of government operations and activities.
5. The requester has a commercial interest that would be furthered by the requested disclosure.
6. Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, thereby rendering the disclosure "primarily in the commercial interest of the requester."

In analyzing these criteria, I have determined that you do not meet two of these factors. You have not provided evidence to sufficiently meet factor 3 regarding how the information will "contribute to public understanding." This factor generally means that the requester can disseminate the information to the general public. You do not describe specifically your qualifications, the nature of your research, and the purpose for which you intend to use the requested information. Specialized knowledge may be required to extract, synthesize, and effectively convey the information to the public. You do not demonstrate with particularity that the information will be communicated to the public, other than posting the records to a web site. You do not provide evidence of past analysis on this subject matter nor any evidence of past use of materials gained through FOIA requests. Furthermore, you do not provide an indication of your ability to understand and process the information such that the public will be able to interpret your analysis of the records.

Therefore, for the reasons described above, you also do not meet factor 4. You have not shown how this information will "significantly" contribute to public understanding of government operations or activities. To warrant a waiver, the public's understanding of the information, as compared to the level of public understanding existing prior to the disclosure, must be likely to be enhanced by the disclosure to a significant extent. Moreover, without demonstration of an expertise in the subject area, an ability to editorialize and disseminate the information, and an ability to increase the public's understanding in a meaningful way, a "significant" contribution to public understanding is not likely.

After reviewing your request, I have determined that you do not meet the standards of factors 3 and 4 of the public interest prong. You do not qualify for a fee waiver because you have not satisfied the public interest requirement of the FOIA.

Expending your two free hours of search, your request has been processed under the provisions of the FOIA. A thorough search of our files was conducted, but no record responsive to your request was located, because there is no list of

invoices, contracts, status reports and account balance statements sent to and received from SAIC.

The Initial Denial Authority for NSA information is the Associate Director for Policy and Records, David J. Sherman. The fact that we were unable to locate records responsive to your request, along with the decision regarding fee waiver denial, may be considered by you as an adverse determination, and you are hereby advised of this Agency's appeal procedures. Any person notified of an adverse determination may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. To aid in processing the appeal, it should reference the inability of the Agency to locate the record, and/or reference the fee waiver denial, in sufficient detail and particularity, the grounds upon which you believe these determinations are unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent unusual circumstances.

Although NSA/CSS is conducting business with SAIC in McLean, VA, the records requested, i.e., "invoices, contracts, status reports and account balance statements," would only be available as individual documents against each individual contract and not contained in a list. The number of contracts with SAIC at that location is quite high and would result in a lengthy search, the cost of which you would be required to pay. If you are seeking this type of data, we ask that you submit a new FOIA request and limit it to specific contracts/topics (providing as much detail as possible to focus our search). Upon receipt of the new request, we will initiate a search to locate any invoices, actual contract, status reports and account balance statements against the specified contracts. In addition, please provide a dollar figure that you are willing to pay to allow us to determine how long to conduct the search for records responsive to your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela N. Phillips", written in a cursive style.

PAMELA N. PHILLIPS
Chief
FOIA/PA Office